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Attorneys for Defendant / The

SURPLUS LINES INSURANCE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

SIERRA BAY CONTRACTORS, INC.,
A California Corporation,
Plaintiff,
vs.
WESTCHESTER SURPLUS LINES
INSURANCE COMPANY, a Georgia
corporation, and DOES 1 through 50,
inclusive,
Defendants.

AND RELATED CROSS-ACTIONS

))
CASE NO.: 3:16-cv-04811-RS
STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL OF
LEXINGTON INSURANCE COMPANY

Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendant, Lexington Insurance Company (“Lexington”), have agreed and hereby stipulate to the dismissal of Lexington from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the Court’s approval and execution of the below proposed order for dismissal.

1 IT IS SO STIPULATED.

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3 DATE: December 19, 2012

SELVIN WRAITH HALMAN, LLP

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6 By: /s/ Gary R. Selvin
GARY R. SELVIN
7 Attorneys for Third-Party Defendant,
LEXINGTON INSURANCE COMPANY

8
9 DATE: December 19, 2012

MORALES, FIERRO & REEVES

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12 By: /s/ David Astengo
DAVID A. ASTENGO
13 Attorneys for Defendant and Third-Party
Plaintiff, WESTCHESTER SURPLUS LINES
14 INSURANCE COMPANY

15 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

16 Having reviewed the above stipulation, the Court orders that Defendant and Third-Party
17 Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint
18 against Third-Party Defendant, Lexington Insurance Company, be dismissed, with prejudice. The
19 remainder of Westchester Surplus Lines Insurance Company's First Amended Third-Party
20 Complaint shall not be changed or impacted by this Order.

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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23 Date: 12/20/12

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HONORABLE RICHARD J. SEEBORG
United States District Court
Northern District of California